

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Appeal from Order No.100 of 2024

a/w

Interim Application No.1158 of 2024

Shree Ram Warehousing ... Appellant.

Versus

Municipal Corporation of Gr.Mumbai ... Respondent

Mr Prathamesh Bhargude a/w K. Amol a/w Kushal Amin for
appellant.

Ms Smita V. Tondwalkar for respondent/MCGM.

Coram : R. N. Laddha, J.

Date : 2 February 2024.

P.C. :

The appeal is listed today on account of a praceipe moved by the learned Counsel appearing for the appellant, on 1 February 2024, at the end of the second session for urgent listing, on the ground that the respondent/corporation sought to take action of demolition of the suit structure. Accordingly, as per the request of the learned Counsel appearing for the appellant, the appeal is taken up for hearing.

2. Mr Prathamesh Bhargude, the learned Counsel for the

appellant submits that the officers of the respondent/corporation have initiated the demolition of the suit structure, despite being aware of the on going appeal and its listing. He further submits that the learned trial Court, in an impugned order, granted a six weeks time to approach the High Court, but that protection has now lapsed as of yesterday. Learned Counsel tendered a photograph of the suit structure.

3. Ms Smita Tondwalkar, learned Counsel representing the respondent/corporation, on instructions, informs the Court that 80% of the suit structure has already been demolished. The remaining portion of the structure is in a precarious hanging position, which poses a potential risk to human life, if remained there. The learned Counsel further asserts that the remaining suit structure may have been pulled down by now. She also tendered the photographs of the suit structure. Additionally, she requests time to file a reply affidavit of the concerned authority.

4. Considering the demolition, the learned Counsel for the appellant seeks leave to amend the application. Leave granted. Amendment to be carried out before the next date with an

advance copy to be served on other side.

5. Stand over to **13.02.2024.**

[R. N. Laddha, J.]